

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO.560 OF 1995

TO

CIVIL REVISION APPLICATION NO.566 OF 1995

For approval and signature:

Hon'ble Mr.Justice S.K.Keshote

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether their lordships wish to see the fair copy of the judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judge?

M/S.GAYATRI TEXTILES & ORS.

VERSUS

BANK OF INDIA & ORS.

Appearance:

MR ASHOK L SHAH for petitioners
MR JT TRIVEDI for respondent No.1

Coram: MR.JUSTICE S.K. Keshote,J

Date of order:23/03/1999

C.A.V. JUDGMENT

#. Heard the learned counsel for the parties.

#. Under the impugned order, the learned trial Court has rejected the applications filed by the defendants-petitioners in different civil suits under Rule 83 of the Ahmedabad City Civil Court Rules for impleading third party as defendant in the civil suits. As all these civil revision applications have arisen from one and the same order of the learned trial Court as well as proceed on the same facts and grounds, the same are being taken up for hearing together and are being disposed of by this common order.

#. The facts of this case for decision of these matters are taken from Civil Revision Application No.560 of 1995. It is admitted case of defendants-petitioners that they are acceptors of Hundis drawn by the Company on the respondent-Bank. It is also admitted case of defendants-petitioners that the Bank has paid the amount of Hundis to them. The suits have been filed for recovery of amounts of Hundis by the respondent-Bank in the year 1985. In this case, the suit has been filed on 26th August 1985, which bears Civil Suit No.4174 of 1985. It is a summary suit filed in the City Civil Court at Ahmedabad. On the application of defendants-petitioners, the learned trial Court has granted unconditional leave to defend to the defendants-petitioners on 24th July 1986. Similarly, in other suits, the defendants-petitioners are acceptors of Hundis, the amount of Hundis have been paid to them and when this amounts has not been re-paid to the Bank, summary suits have been filed in which also, on their applications, unconditional leave to defend has been granted on different dates in the year 1986. On 14th October 1993, in all the suits, the defendants-petitioners filed applications for joining third party as defendant and under the impugned order, these applications have been rejected by the learned trial Court.

#. In this case, the application under Rule 83 of the Rules aforesaid has been filed by defendants-petitioners after eight years of filing of the suit and seven years of grant of unconditional leave to defendant to the defendants-petitioners by the learned trial Court.

#. This matter is squarely covered by decision of this Court given in Civil Revision Application No.416 of 1995 and cognate matters decided today. In view of this fact, no further discussion on the facts and grounds as raised in this matters needs to be made.

#. In the result, these civil revision applications fail and the same are dismissed with costs which are quantified to Rs.1,000/= in each civil revision application to be paid to the plaintiff-respondent-Bank.

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[sunil]